

Attorney Docket No. 020613
PATENT**REMARKS**

Claims 1-15, 17-23, 40 and 41 are pending in the present application. No claims have been amended. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. REJECTION ON THE GROUND OF NONSTATUTORY DOUBLE PATENTING**A. Claims 1, 3-8, and 13**

Claims 1, 3-8, and 13 are provisionally rejected on the ground of nonstatutory double patenting over claims 10-18 of co-pending Application Serial No. 10/729,070. Applicants, while not acquiescing to the substance of the rejections, are submitting a Terminal Disclaimer with respect to U.S. Patent Application Serial No. 10/729,070. As such, the rejection under the judicially created doctrine of double patenting is overcome.

B. Claims 14-15 and 17-18

Claims 14-15 and 17-18 are provisionally rejected on the ground of nonstatutory double patenting over claims 21-26 of co-pending Application Serial No. 10/729,070. Applicants, while not acquiescing to the substance of the rejections, are submitting a Terminal Disclaimer with respect to U.S. Patent Application Serial No. 10/729,070. As such, the rejection under the judicially created doctrine of double patenting is overcome.

C. Claims 19-23

Claims 19-23 are provisionally rejected on the ground of nonstatutory double patenting over claims 21-26 of co-pending Application Serial No. 10/729,070. Applicants, while not acquiescing to the substance of the rejections, are submitting a Terminal Disclaimer with respect to U.S. Patent Application Serial No. 10/729,070. As such, the rejection under the judicially created doctrine of double patenting is overcome.

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D. Claim 2

Claim 2 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of co-pending Application Serial No. 10/729,070 in view of Ling et al. (WO 02/078211). Applicants, while not acquiescing to the substance of the rejections, are submitting a Terminal Disclaimer with respect to U.S. Patent Application Serial No. 10/729,070. As such, the rejection under the judicially created doctrine of double patenting is overcome.

E. Claim 11

Claim 11 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17 of co-pending Application Serial No. 10/729,070 in view of Raleigh et al. (US Patent 6,452,981). Applicants, while not acquiescing to the substance of the rejections, are submitting a Terminal Disclaimer with respect to U.S. Patent Serial Application No. 10/729,070. As such, the rejection under the judicially created doctrine of double patenting is overcome.

F. Claim 12

Claim 12 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17 of co-pending Application Serial No. 10/729,070 in view of Raleigh et al. and further in view of Boros et al. (US Patent 6,668,161). Applicants, while not acquiescing to the substance of the rejections, are submitting a Terminal Disclaimer with respect to U.S. Patent Application Serial No. 10/729,070. As such, the rejection under the judicially created doctrine of double patenting is overcome.

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: June 8, 2006

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